

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3826 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHCHANDRA N DALAL

Versus

DIST PRIMARY EDUCATION OFFICER

Appearance:

MR RC JANI for Petitioner
MR KG VAKHARIA for Respondent No. 1
MR SUDHANSHU PATEL, AGP for Respondent No. 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 10/03/2000

ORAL JUDGEMENT

By means of filing this petition under Article
226 of the Constitution, the petitioner has prayed to
issue a writ of mandamus or any other appropriate writ or

order to quash and set aside order dated March 14, 1983 passed by the District Development Officer, Himatnagar transferring the petitioner to Irrigation Branch.

The learned Counsel for the petitioner states at the Bar that during the pendency of the petition, the petitioner has retired from service and as the petition has become infructuous, the same may be disposed of accordingly.

It may be stated that the order dated March 4, 1983 passed by the District Development Officer, Himatnagar transferring the petitioner to Irrigation Branch was stayed by the High Court vide order dated July 20, 1988. As the petitioner has retired from service, challenge to transfer order has become academic in nature. It is well settled by catena of decisions of the Supreme Court that academic question should not be decided by the High Court in a petition filed under Article 226 of the Constitution. On retirement of the petitioner from service, I am of the view that the petition has become infructuous and deserves to be disposed of accordingly.

For the foregoing reasons, rule is discharged with no order as to cost. Interim relief granted earlier is hereby vacated. The petition stands disposed of as having become infructuous. Liberty is reserved to the petitioner to move the Court in case of difficulty.

10.3.2000 (J.M.Panchal,J.)

(patel)